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Situation of human rights in Myanmar

Report of the Secretary-General

Summary

The present report is submitted pursuant to paragraph 32 of General Assembly resolution 66/230 and covers the period from August 2011 to July 2012. It has been a remarkable year of promise and change in Myanmar. Building on its initial efforts in the first half of 2011, the new civilian Government headed by President Thein Sein undertook dramatic and significant reform measures to consolidate democracy by building new institutions; enacting new laws in active sessions of the national parliament and regional assemblies; reaching out to various ethnic groups to promote peace and national reconciliation through inclusive consultation, and encouraging the voluntary return and resettlement of displaced populations; releasing significant numbers of political prisoners, including some of the most prominent figures; and taking measures to carry out economic reforms aimed at transforming the largely centralized economy into an increasingly market-oriented one that is open to foreign investment and trade. The changed political environment, following the meeting between President Thein Sein and Daw Aung San Suu Kyi in August 2011, resulted in the revision of the electoral laws that has enabled the National League for Democracy to return to the electoral fold after more than 20 years and to convincingly win 43 of the 45 seats in the by-election held on 1 April 2012. The past year has also witnessed a step change in the engagement between Myanmar and the international community. The member States of the Association of Southeast Asian

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Nations (ASEAN) agreed to Myanmar's hosting of the 2014 ASEAN summit. In the same period, the resumption of high-level bilateral engagement with Myanmar by the United States of America, the European Union and other interested countries brought about major shifts in their policies, including the review, suspension or lifting of their sanctions against Myanmar. With the United Nations, there was a new expansion in relations that enabled engagement on the normalization of restricted programmes and greater cooperation with the various agencies of the Organization in support of the country's all-round political and socioeconomic development and in meeting humanitarian needs. I visited Myanmar from 29 April to 1 May 2012, which was my third visit to the country as Secretary-General.

I. Introduction

1. The present report is submitted pursuant to paragraph 32 of General Assembly resolution 66/230, in which the Assembly called upon the Secretary-General to continue to provide his good offices and to pursue his discussions on the situation of human rights, democratic reforms, development and the national reconciliation process with the Government and people of Myanmar; to offer technical assistance to the Government in that regard; and to report to the Assembly at its sixty-seventh session, as well as to the Human Rights Council, on the progress made in the implementation of the resolution. The report covers the period from August 2011 to July 2012. Separate reports by the United Nations Special Rapporteur on the situation of human rights in Myanmar were issued in September 2011 (A/66/365) and March 2012 (A/HRC/19/67).

2. As in previous years, given the complex and multidimensional nature of the situation in Myanmar, I have sought, along with my advisers, to consistently engage the Myanmar authorities and other relevant stakeholders to achieve progress in achieving: (a) the release of political prisoners; (b) a broad-based dialogue between the Government and all relevant parties to the national reconciliation process, including those represented within Parliament and those outside; (c) the creation of conditions conducive to ensuring an inclusive and credible political and electoral process; (d) an improvement of socioeconomic conditions by strengthening the partnership of the United Nations and Myanmar; and (e) a regularized pattern of engagement and cooperation between Myanmar and the United Nations in the good offices process. The progress achieved and steps taken by the Government of Myanmar in each of the areas during the past year have, in my assessment, met many of the long-standing concerns of domestic stakeholders, the United Nations and the international community.

3. In our effort to work towards the achievement of the above-mentioned goals and to contribute to the reform process that the country had embarked upon, my Special Adviser visited Myanmar on four occasions, at the invitation of the Government of Myanmar, in October-November 2011, February 2012, April-May and June 2012. Prior to my visit to Myanmar from 29 April to 1 May 2012, I met with President Thein Sein in Bali, Indonesia, in November 2011, on the margins of the fourth Association of Southeast Asian Nations (ASEAN)-United Nations Summit. There were two meetings of the Group of Friends of the Secretary-General on Myanmar during the reporting period. The first meeting, at the ministerial level, was held on 27 September 2011 on the margins of the sixty-sixth session of the General Assembly. The second meeting was held on 23 April 2012 in New York, prior to my visit to Myanmar. My Special Adviser briefed the President of the General Assembly, as well as the Security Council, in informal meetings on three occasions, on 14 November 2011, and 11 April and 20 June 2012. The briefings were delivered against the backdrop of significant developments that were unfolding in the wake of the November 2010 elections and in the context of the 1 April by-elections. It will be recalled that I also provided a briefing to Member States at the General Assembly on 9 May 2012. A further briefing was made after my Special Adviser's visit to Myanmar from 11 to 14 June 2012, in which he updated members on developments in Rakhine State and on the peacebuilding agenda that underpinned his mission in follow-up to my third visit to the country. With regard to efforts to enhance a more open exchange of views and to build further trust between

Myanmar and the international community during a very fluid period, my Special Adviser facilitated a first informal meeting hosted by the Asia Society on 20 September 2011 involving Minister for Foreign Affairs Wunna Maung Lwin, two members of the Advisory Committee to President Thein Sein and officials from interested Member States.

II. Key developments

A. By-elections

4. During the reporting period, the Government of Myanmar, under the leadership of President Thein Sein, continued to move ahead with its democratic reforms and took measures to build and develop inclusive political institutions. The dialogue between the Government and Daw Aung San Suu Kyi was stepped up and included important confidence-building meetings between her and President Thein Sein in August 2011 and April 2012. Various ethnic parties, such as the Shan Nationalities Democratic Party (SNDP), continued to hold regular discussions with the President regarding development work in their respective regions. The Government also announced the phased release of political prisoners and conducted credible by-elections that were contested by the National League for Democracy (NLD). Across the country, 10 ceasefire agreements were concluded between the Government and ethnic armed groups. The Government also gave effect to a series of reform measures (see paras. 11-17 below) aimed at promoting political freedom and economic development.

5. Consequent to the revision of the electoral law, Daw Aung San Suu Kyi's NLD decided on 18 November 2011 to reregister as a political party with a view to participating in the election process. It will be recalled that the boycott of the 2010 ballot by NLD had been a major factor that undermined the credibility and legitimacy of that election. The decision taken by Daw Aung San Suu Kyi to compete in the April by-elections marked her first contest for elected office in the new dispensation. The NLD decision followed the passing on 4 November 2011 of three key amendments to the electoral laws and the Government's public recognition on 2 November 2011 of the "validity" of the NLD victory in the 1990 election. The three amendments were to (a) drop the provision that any person who has been imprisoned cannot be a member of a political party; (b) substitute the requirement that all parties agree to "respect" rather than "preserve" the 2008 constitution; and (c) drop the requirements that a party, in order to maintain their registration, must contest three seats during the general elections and allow a party to register by contesting three constituencies in by-elections.

6. Compared with the 2010 elections, the by-election process saw a relatively more competitive and robust campaign, providing NLD with its first opportunity in 20 years to energize and mobilize its own cadre base through a campaign that was conducted in a more open political environment. Daw Aung San Suu Kyi campaigned extensively in the central regions of Yangon, Naypyidaw and Mandalay, the southernmost regions, close to the border with Thailand, and in Kachin and Shan States in the north, close to the border with China. Notwithstanding some complaints by the National League for Democracy over restrictions imposed by the authorities, it was able to mobilize large-scale support on the campaign trail, as

reflected by mass gatherings at Daw Aung San Suu Kyi's rallies, which were by and large incident-free.

7. The by-elections were held in 45 constituencies. Elections in three constituencies in Kachin State were cancelled on security grounds. The by-elections were occasioned mainly by vacancies caused by incumbents, all elected members of the ruling Union Solidarity and Development Party, having been appointed to ministerial and other positions in the executive branch, which, as per the constitutional provisions, they could only assume by vacating their parliamentary seats. In all, of the 45 constituencies in 10 regions or states, 37 were for the Pyithu Hluttaw (Lower House of Representatives), 6 for the Amyotha Hluttaw (Upper House of Nationalities) and 2 for regional legislatures. A total of 17 political parties competed in the by-election, presenting their platform on State-run media as part of the official campaign process. All the steps leading up to the elections were openly advertised on the State media and voter lists posted in respective constituencies on 29 February 2012.

8. At the invitation of the Government of Myanmar, the United Nations dispatched a team from Headquarters to observe the by-election process. Similar invitations were extended to ASEAN, the United States of America and the European Union. A voter turnout of 68.19 per cent was recorded. Despite some complaints of irregularities, key stakeholders, including the national and regional parties, generally accepted the verdict and agreed that the by-elections had been a boost for the ongoing reforms and an important step for Myanmar's democratic process and political stability. That was also reflected in statements by ASEAN, the United States, the European Union and other international monitors. In a statement issued the day after the elections, I congratulated the people, Government and political parties of Myanmar for the peaceful and largely orderly manner in which the contest for vacant parliamentary seats had been held. I noted in a statement that the by-elections had been credible and that the problems encountered had not been sufficient to compromise the validity of the process. I also acknowledged, in particular, that the courage and vision of President Thein Sein had made such progress possible.

9. The official results announced by the Union Election Commission confirmed that NLD won 43 seats out of the 44 it had contested, including Daw Aung San Suu Kyi's seat in the area of Yangon and all 4 seats in Naypyidaw, thus becoming the largest opposition party in Parliament, with 6.4 per cent of the total seats. NLD won 37 seats in the Pyithu Hluttaw, 4 seats in the Amyotha Hluttaw and 2 seats in two regional legislatures. The two remaining seats in the Upper House were won by one of the largest ethnic-denominated parties, SNDP, and by the ruling Union Solidarity and Development Party.

10. Despite an initial reservation shown by NLD and Daw Aung San Suu Kyi towards the text of the formal oath of office as member of the new Pyithu Hluttaw, procedural hurdles were overcome and they were eventually sworn in as members on 2 May 2012. Daw Aung San Suu Kyi made her first appearance at the third session of the Pyithu Hluttaw on 9 July 2012.

B. Reforms and opening up in Myanmar

11. During the reporting period, the Government introduced measures that resulted in a significant relaxation of press and Internet censorship, including free access to international and exile websites, and in the easing of restrictions on freedom of association and assembly, including new legislation guaranteeing the right to strike and public protest, subject to certain conditions. The Government also introduced social sector reforms focusing on poverty reduction, including efforts to expand microfinance, increased pension rates and planned land reform.

12. In his annual speech to Parliament on 1 March 2012, President Thein Sein remarked that the rule of law is "at the core for emergence of a glorious democratic society," and "a must for our administrative mechanism, businesses, social welfare, political processes, international relations and judicial system". He added that "if rule of law prevails in our society, human rights, liberty and democracy would flourish automatically".

13. In his speech, the President also touched upon the proposed fourfold increase in spending on the health sector and twofold increase on education in the following financial year. He declared the Government's determination to reduce poverty in Myanmar from 26 per cent to 16 per cent by 2015 and said that his Government planned to adopt a universal health insurance system in collaboration with private organizations. The President stressed the need to expand the tax base and adopt a progressive taxation structure in which the rich would be taxed proportionally more compared with the middle class and the poorer sections of society.

14. The President linked the foreign investment climate to the fostering of democracy within his country and declared that investment and assistance of one dollar in Myanmar by the international community amounted to the contribution of one dollar for the flourishing of democracy and the interests of the Myanmar people. He said that the series of economic reforms introduced in the previous year were intended to lay the foundations for introducing a market economy, averting inflationary crisis and promoting growth. Referring to corruption as a national challenge, he called for punitive and educative measures to be taken and for the restructuring of administrative mechanisms at local levels, as well as "firm rules" to remove the "thorns of successive eras". He referred to impending foreign investment legislation, exchange rate reform, efforts to dismantle commercial monopolies and the reform of the banking system.

15. Meanwhile, the World Bank, the International Monetary Fund (IMF) and the Asian Development Bank have begun the process of re-engaging with the Government. At the conclusion of its annual mission to Myanmar in January 2012, the IMF stressed the importance of improving monetary and fiscal management and of structural reforms. In addition to the new unified currency exchange regime introduced on 1 April 2012, the Government has allowed 11 of its 19 public banks to engage in foreign currency transactions and open accounts, a move that is indispensable for increased foreign direct investment. The measure has so far been restricted to public banks but is likely to be extended to others in order to introduce more banking flexibility and meet consumer demand.

16. In his speech to the country on 19 June 2012, the President announced a second wave of reform to promote the interest of the Union and the people while maintaining the momentum gained in the areas of national reconciliation, peace and

stability, the rule of law and public safety. The President described the second wave of reforms as building on the political reform and national reconsolidation brought about in the previous year. With a view to tripling the national growth rates by 2015, the President identified certain key sectors, such as communication, electricity, energy, forestry, education, health and finance, which would be opened up to public disinvestment and privatization with a view to maximizing efficiency. In his speech, the President highlighted a number of issues that required particular attention, either by introducing new legislation or by developing clear policies to advance national goals. Among the issues were legislation with regard to setting a minimum wage, land utilization policy, plans for the development of agro-industry and the establishment of a national energy management committee to meet short- and long-term energy needs in compliance with national energy policy, which is critical for job creation. The President also announced the formation of the National Economic and Social Advisory Council, through which experts and businesspeople from various sectors will make suggestions to the President about economic, educational, health-care and agricultural matters. Making regional development an important component of the announced economic policy, the President stated his principles of granting every region and state an equal share of budget and taxation and channelling assistance according to regional poverty indices, as well as planned incentives for foreign and local investments. In order to make effective use of the budgetary support and foreign aid, the President announced the set-up and tasking of administrative committees down to the township level.

17. Meanwhile, in May and June 2012, Daw Aung San Suu Kyi also took the initiative to travel outside of Myanmar for the first time in 24 years. In her public statements during visits to Thailand, Switzerland, Norway, Ireland, the United Kingdom of Great Britain and Northern Ireland and France, Daw Aung San Suu Kyi reiterated her continued confidence in President Thein Sein's reform agenda and called for international support for such efforts, while at the same time expressing caution about the fragility of the process. In her Nobel Peace Prize acceptance speech in Oslo on 16 June 2012, she repeated her offer to take part in the peace process with ethnic armed groups. She also remarked that the reform measures put into motion by the Government could only be sustained with "the intelligent cooperation of all internal forces: the military, our ethnic nationalities, political parties, the media, civil society organizations, the business community and, most important of all, the general public". Among the themes she underscored in the various visits were democracy-friendly development and growth, responsible aid and investment, the rule of law and rooting out corruption as priority areas of reform. She also appealed for the "earliest unconditional release of all prisoners of conscience still held in Myanmar". While welcoming investors into Myanmar, she warned that even the best investment law would be of no use "if there is no court clean enough and independent enough to be able to administer these laws justly".

C. National reconciliation

18. Relations between the centre and the periphery have long been the bane of the political stability in Myanmar. Here, too, an ambitious new process is under way that aims to remove the decades-old mistrust, confrontation and conflict and enter a fresh phase of trust-building and mutual accommodation between the Government of Myanmar and the various armed ethnic groups and communities. The

Government established a union peace committee in August 2011 and signed 10 ceasefire agreements with various ethnic armed groups, including United Wa State Army, National Democratic Alliance Army, Shan State Army-South, Chin National Front, State Shan Army-North, New Mon State Party, Karen National Liberation Army Peace Council, Karenni National Progressive Party and Kloh Htoo Baw (or the "golden drum" group; formerly the Democratic Kayin Buddhist Army Brigade 5). Further progress was recorded when, in addition to the ceasefire agreement, a 14-point agreement was signed in early April 2012 by the Karen National Union and the Central Government. The agreements covered guarantees for the civilian population, monitoring of the peace process, citizenship to displaced nationalities, greater attention to development and rule of law concerns.

19. However, the negotiations and armed stalemates in Kachin State between Government forces and the Kachin Independence Organization/Kachin Independence Army remained unresolved. During the period under review, continuing tensions between Government forces and the Kachin Independence Organization/Kachin Independence Army resulted in the displacement of at least 60,000 people. The resulting humanitarian situation has been a matter of concern and attention for United Nations agencies and local groups, which have taken prompt action to meet emergency needs concerning food and other supplies. However, challenges remain in reaching many of the displaced communities affected by the conflict. In his annual speech to Parliament on 1 March 2012, President Thein Sein said that "the aspiration of the national races to share the rights among all and enjoy equality is also the desire of our Government".[1] In the same speech, the President invoked the Panglong spirit[2] with regard to the "national reconsolidation process". Touching upon the attempted engagement with armed ethnic groups, particularly with the Kachin ethnic group, he reiterated a call he had made in December 2011 to the country's armed forces (Tatmadaw) to stop offensive operations within the Kachin area. On the ground, several rounds of talks were held between the Government and the Kachin Independence Organization/Kachin Independence Army in neighbouring Yunnan Province in China, but no breakthrough was achieved and armed conflict in the region continues. Meanwhile, the Kachin Independence Organization, in a statement in January 2012, said that the root cause of the war was political and that in order to end the war and bring about peace, these problems must be solved by political means.

20. In May 2012, the Government of Myanmar appointed a new team of 50 peace negotiators to bring all ethnic groups into the political fold ahead of the 2015 elections. Under the new arrangement, President Thein Sein chairs the Union Peacemaking Central Committee, with the Vice-President heading a Union Peacemaking Work Committee. The Union Peacemaking Central Committee sets policies for and supervises the functioning of the Union Peacemaking Work Committee. Apart from leading the actual negotiation process with the ceasefire groups, the Union Peacemaking Work Committee will develop procedures for outreach to transnational groups and for the set-up and deployment of funds for encouraging the peacemaking process where necessary. Measures taken by the

[1] "National races" as identified in the national constitution.

[2] At the 1947 Panglong Conference, convened by Aung San, many of the ethnic groups agreed to the formation of a "Union of Burma" in return for promises of full autonomy in internal administration and an equal share in the country's wealth.

Union Peacemaking Work Committee will be reported to the Union Peacemaking Central Committee.

21. In view of the national reconciliation challenges that will follow the completion of the ceasefire agreements, the Government launched an initiative aimed at bringing together local and international actors in order to provide assistance and maximize peace dividends while contributing to the ongoing talks with Kachin armed groups, and to further the political dialogue with other groups. In that context, the Government of Norway initiated the Peace Donor Support Group, which currently comprises donors, such as Australia, the United Kingdom and the European Union and partners, including the United Nations and the World Bank.

D. International engagement

22. In a measure that came as a boost to Myanmar's regional standing, the leaders of ASEAN agreed on 17 November 2011 that Myanmar would chair the organization in 2014.

23. I have repeatedly urged the international community to provide encouragement and support to the Government of Myanmar in its ongoing process of democratic transition and national reconciliation. Side by side with the decision to grant Myanmar the chairmanship of ASEAN in 2014, international engagement with Myanmar also intensified, with a large number of leaders visiting Myanmar during the reporting period, from Member States from within and outside the region, including 6 prime ministers, 2 presidents and 19 ministers for foreign affairs. In addition to meeting with the Government of Myanmar, the leaders also met with Daw Aung San Suu Kyi and shared a message expressing varying degrees of optimism regarding developments in Myanmar and of engagement with the country, including economic engagement. Some of the leaders, predictably, conditioned the improvement of ties on the continuation of the reform agenda, including the improvement of the human rights situation.

24. In January 2012, Australia and Norway eased targeted sanctions against the former military leaders of Myanmar. The European Union and the United States have also eased travel bans for civilian members of the Government of Myanmar. Already by April, Minister for Foreign Affairs Wunna Maung Lwin visited the United States, with Minister for Health Pe Thet Khin visiting the following month. On 23 April 2012, the European Council sought to welcome and encourage the reform process in Myanmar by deciding to suspend restrictive measures against the Government, with the exception of the arms embargo, which will be retained. The Council added that it would monitor closely the situation on the ground, keep its measures under constant review and respond positively to progress on ongoing reforms. The United States also announced its own steps to ease sanctions and permit United States investments in the country and the export of financial services.

E. Human rights

25. Since the formation of the new Government in Naypyidaw, five rounds of amnesty have been granted, resulting in the release of nearly 690 political prisoners. Myanmar acceded to the Convention on the Rights of Persons with Disabilities on

7 December 2011 and to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 16 January 2012. In so doing, Myanmar is currently a State party to three core international treaties on human rights, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities. The International Labour Organization (ILO), at its 101st session, concluded that it would conduct a review of the measures previously adopted by the conference in order to secure compliance by Myanmar with the recommendations of the ILO Commission of Inquiry of 1998.

26. The Government of Myanmar agreed to three visits to the country in the reporting period by the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana. It will be recalled that Mr. Quintana was not allowed to visit Myanmar during the preceding year. On 7 March 2012, the Special Rapporteur presented his fifth report (A/HRC/19/67) on the situation of human rights in Myanmar to the Human Rights Council and pointed out that the recent wave of reforms had had a positive impact on the situation of human rights in Myanmar. However, he added that, at that crucial moment in the country's history, it was important that the remaining human rights concerns and challenges be addressed satisfactorily and that proper measures of justice and accountability measures be taken. On 23 March 2012, the Human Rights Council adopted its resolution 19/21 and extended for one year the mandate of the Special Rapporteur.

27. On 27 June 2012, the United Nations and the Government of Myanmar signed an action plan to prevent the recruitment and use of child soldiers. The plan set a timetable and measurable activities for the release and reintegration of children associated with the armed forces and the prevention of further recruitment. It also called for additional United Nations and Government programmes for the affected children.

III. Content and outcome of discussions

28. My Special Adviser's visit to Myanmar from 31 October to 4 November 2011 came in the context of President Thein Sein's groundbreaking meeting with Daw Aung San Suu Kyi on 19 August 2011 and the granting of amnesty to over 200 political prisoners on 12 October. In the course of his visit, he met senior members of the Government, members of the newly established Union Peacemaking Group charged with negotiating with armed ethnic groups, the Union Election Commission and the new National Human Rights Commission, Daw Aung San Suu Kyi and representatives of other political parties and civil society organizations. In Naypyidaw, he gave a keynote speech at the opening of the first Myanmar "Green economy green growth" conference.

29. On the issue of humanitarian access, my Special Adviser and other members of the United Nations, including the Resident and Humanitarian Coordinator, stressed repeatedly in their meetings with representatives of the Government of Myanmar and other parties the need for humanitarian actors to be granted unimpeded access to all areas, including Kachin State, where over 65,000 people were displaced as at July 2012. In December 2011, the Government agreed for a United Nations team to join a humanitarian mission to Laiza, in Kachin State, on the border between China

and Myanmar. Between March and June 2012, the United Nations country team in Myanmar sought and received agreement for United Nations and non-governmental organization convoys to deliver assistance to approximately 10,000 internally displaced persons in Kachin Independence Organization/Kachin Independence Army-controlled areas in order to provide food assistance for one month, non-food items, water purification tablets, oral rehydration salts and medicine. United Nations agencies are actively engaged with the Government and relevant partners to scale up the humanitarian operations in the area.

30. With regard to human rights, my Special Adviser and I, in our meetings with the Government of Myanmar, emphasized that the release of the remaining political prisoners was the quickest way to address the concerns of the international community, and urged the Government to cooperate actively with the United Nations human rights mechanisms, including the Special Rapporteur, to strengthen governance capacity, including training, institutional reforms and the rule of law. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has initiated a broader dialogue with the Government of Myanmar and undertook a mission in June 2012 to explore the possible scope of technical assistance and the appropriate modalities, in order to step up its engagement with Myanmar on the basis of a more structured and long-term cooperation. In July, as a first concrete result, it carried out a mission with the United Nations Office on Drugs and Crime (UNODC) to advise the Prisons Department of the Ministry of Home Affairs on the draft prisons law.

31. During my meeting with President Thein Sein on the margins of the United Nations-ASEAN summit held in Bali on 19 November 2011, I reiterated the encouragement that the United Nations gave to the democratic transition, to achieving stability in the ethnic border areas and improving economic management. I also reiterated the human rights concerns of the international community. At the meeting, various means were discussed of promoting the relationship between the United Nations and Myanmar in the evolving context. The President told me that "the path of reform is so narrow that there is no space to turn back".

32. I conveyed my appreciation to the President about the steps taken by his Government to promote national reconciliation and create a political climate in which all political stakeholders will be able to work for democratization. I emphasized that Myanmar's chairmanship of ASEAN in 2014 gave the President a very good opportunity to create an even more politically conducive atmosphere to achieve national reconciliation. I strongly encouraged the President to continue his efforts to pursue robustly Myanmar's reform as an incremental, systematic and sustainable process and to lead an inclusive and broad-based dialogue in order to generate the needed political consensus.

33. During the course of our conversation, the President indicated to me the determination of the Government of Myanmar to proceed with conducting a population and household census in Myanmar in 2014, the first such exercise since 1983. He also indicated that he desired to elicit the support and assistance of the United Nations in that enterprise. Following the request for the assistance of the United Nations, my Special Adviser, along with the United Nations Population Fund and the Department of Economic and Social Affairs, coordinated with the relevant national authorities to prepare a project document and letters committing the United Nations to supporting the conduct by the Government of Myanmar of a process of

household and population enumeration that would be fully in conformity with existing international standards. The exchange of letters in that regard took place during my visit. Action in the matter is under way.

34. In February 2012, my Special Adviser visited Myanmar in the wake of the release of political prisoners in January and the new round of ceasefire agreements with armed ethnic groups. The visit also took place before the by-elections scheduled for 1 April 2012. In Naypyidaw, he met President Thein Sein, Speaker Shwe Mann, the Minister for Foreign Affairs and other senior officials. A conference on the theme "Development policy options for Myanmar with special reference to health and education", organized by the United Nations and the Government of Myanmar, was jointly inaugurated with Vice-President Sai Mauk Kham during that visit. In Yangon, my Special Adviser met NLD leader Daw Aung San Suu Kyi and held separate meetings with civil society, ethnic and business representatives. The visit also included field missions to the outlying Mon and Kayin States, where he met with the respective chief ministers and members of the state Government and legislature and local ethnic representatives. The visits were relevant as they followed in the wake of the ceasefire agreements arrived at by the Government with the Karen National Union and New Mon State Party.

35. My third visit to Myanmar took place from 29 April to 1 May 2012 in response to the invitation of President Thein Sein of November 2011. During my meeting with President Thein Sein on 30 April, I expressed confidence in the capacity of all parties to build on the progress that had been achieved and to address the challenges that lay ahead in a spirit of national unity and solidarity. On that day, I was also honoured to be the first outside leader to be invited to address the joint houses of Parliament. While emphasizing in my message that the Parliament was at the very centre of Myanmar's democratic transition, I expressed the hope that the different parties would be prepared to join hands in order to fashion an inclusive and forward-looking national agenda for change.

36. In looking at the opportunities for the United Nations to help address the new challenges and opportunities in Myanmar, my visit included six areas of focus: (a) United Nations support for the 2014 census; (b) the launch of the Global Compact, with the expected development of a network that could help local entrepreneurs to engage and forge mutually beneficial economic relationships that are socially responsible; (c) drug eradication initiatives, such as the field project I visited in Kyauk Ka Char in Shan State that is supported by UNODC; (d) greater engagement by the United Nations system, with particular reference to a normalized country programme of the United Nations Development Programme (UNDP); (e) support to peacebuilding efforts in areas where ceasefires have been agreed; and (f) the offer of United Nations expertise and best practices in the area of human rights, and electoral assistance with regard to preparations for the 2015 general elections. I invited President Thein Sein to attend the opening of the General Assembly at its sixty-seventh session in September 2012.

37. I also met with Daw Aung San Suu Kyi at her residence in Yangon. I commended her on her leadership and contribution to Myanmar's democratic process and national reconciliation. While praising the President for his commitment to reforms, Daw Aung San Suu Kyi continued to retain doubts about the prospects for transition as she still had deep concerns about the reform commitment of certain members of the current Government. I noted that while I was cognizant of all the

changes and transformation taking place in Myanmar, I was equally aware of all the concerns expressed by her. I expressed my belief and commitment to carry on the good offices role of the United Nations, as mandated by the General Assembly. I emphasized that my Special Adviser could play a catalytic role in helping Myanmar to carry out political and socioeconomic development reforms. I extended to her an invitation to visit United Nations Headquarters when she next visits New York.

38. My Special Adviser again visited the country from 11 to 14 June 2012, to participate in the meeting of the Myanmar Peace Donor Support Group with President Thein Sein on 12 June and to meet with counterparts and relevant interlocutors in Naypyidaw and Yangon. At the meeting of the Peace Donor Support Group, the President gave a formal sanction for the Group and for establishing a peace centre under the leadership of the Minister of Railway Transportation. My Special Adviser renewed the message of support to the President's reform and reconciliation process and confirmed the commitment of the United Nations to support peacebuilding strategies in post-ceasefire situations in the country.

39. The meeting with the President provided a platform for all donor nations to make pledges of financial support to the peace process. That included a pledge by the United Nations of an initial contribution of $5 million from the United Nations Peacebuilding Fund in response to the request from the Government of Myanmar received on 15 May 2012. The Fund will be used to support project proposals jointly submitted by United Nations funds and programmes in consultation with national authorities and local communities under the overall coordination of the Resident Coordinator. The peace centre was presented as an entity that would operate as a clearing house for peacebuilding activities in post-ceasefire situations. The strategy and modalities of operation of the peace centre are still being finalized. My Special Adviser confirmed the commitment of the United Nations to supporting the centre.

Situation in Rakhine State

40. The violence in Rakhine State started with the rape and murder of a 27-year old Buddhist Rakhine woman on 28 May 2012 in Taunggote township, the arrest of three Muslim men for the crime, followed by the killing of 10 Muslim pilgrims by a mob from a Yangon-bound bus on 3 June 2012 and the resulting outburst across Rakhine State of sectarian animosities between the Buddhist and the Muslim/Rohingya communities. Violence reached many towns, most prominently Maungdaw, Buthidaung, Sittwe, Thandwe, Kyaukphyu and Yanbye, causing the death of 77 persons, the displacements of thousands of people from Muslim and Buddhist communities and the widespread destruction of property. On 10 June, a state of emergency was declared in Rakhine State by President Thein Sein. By 22 August 2012, the number of casualties had risen to 88. Speaking to the nation on the occasion, the President warned that if the violence continued, Myanmar's stability, peace, democratization and development could be severely affected and that much would be lost. While noting that the Government had the law and order situation generally under control, he said he was open to seeking humanitarian assistance from the United Nations and, if needed, the Government would also seek help from international non-governmental organizations for additional relief and rehabilitation. By 12 June, 39 out of a total of 192 persons working for the United Nations and their families had to be temporarily relocated from Rakhine State to Yangon. The staff that remained deployed in the area was concerned for their own

safety and mobility and their capacity to carry out official duties in the environment of ongoing violence and tension. Concern about the humanitarian situation has been compounded by reports that the border between Myanmar and neighbouring Bangladesh has remained closed, resulting in the displaced victims of the violence being pushed back and prevented from seeking refuge in Bangladesh.

41. During the June visit of my Special Adviser, the violence in Rakhine State made it necessary to reinforce the United Nations message on the need to restore and maintain calm, peace and harmony in order to advance the process of national reconciliation. My Special Adviser conveyed my message of concern about the developing situation in Rakhine State to the President. In his meeting with the Minister for Border Affairs, Major-General Thein Htay, my Special Adviser stressed the need for the Government's response to contain the vicious cycle of violence in a way that is both transparent and respectful of human rights and the rule of law.

42. The Minister for Border Affairs invited my Special Adviser and the Resident Coordinator to accompany him the following day to the affected region. Accordingly, my Special Adviser led a United Nations team to Rakhine State together with the United Nations Resident and Humanitarian Coordinator, as well as the representatives of the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Refugees. The visit took place on 13 and 14 June 2012. In Maungdaw, he met officials of the border security force and proceeded to visit four camps for internally displaced persons in and around the town, and two contiguous villages (one Muslim and one Rakhine) affected by the violence on 8 June 2012. During their meetings, they underlined the strong commitment of the United Nations to continue to help the distressed and affected populations with compassion and impartiality, in accordance with their current needs, regardless of their religion or ethnicity.

43. On his return to Yangon after the visit to Rakhine State, my Special Adviser gave a briefing to the diplomatic community and a brief press statement, in which he noted the President's statement calling for magnanimity and promising the application of the rule of law. He noted the prompt and firm response of the Government and described the visit of the Minister for Border Affairs to bring about peace and harmony as a good step. He felt that further effort was needed to bring the communities together to live in peace as they had been doing traditionally. The Special Adviser called for an impartial and credible investigation into the disturbances to be conducted urgently and in order to ensure that the rule of law had been enforced in a transparent manner. He reiterated that call in a statement on 26 July 2012. The United Nations noted the immediate humanitarian needs of the displaced populations and worked to meet those needs. During the succeeding days and weeks, the United Nations teams returned to the region to speed up the distribution of food and non-food aid for the distressed and affected populations.

44. During the crisis in Rakhine State in June, some 15 local United Nations and international non-governmental organization staff members were arrested and detained by the authorities for their alleged involvement in incidents related to the violence. On 1 August 2012, the United Nations Special Rapporteur on the situation of human rights in Myanmar met with six detained United Nations staff members and their attorneys in Insein and Buthidaung prisons. At the time of writing the present report, a majority of the United Nations and international non-governmental organization staff members had been released. The United Nations continues to urge

the authorities to address the issue most urgently and to treat the detained staff members in accordance with all applicable conventions and immunities.

IV. Observations

45. During the past year, Myanmar has witnessed unprecedented change as the Government pursues the path of democratic reform and national reconciliation. The changes unfolding in Myanmar during the past year have been more numerous, far-reaching and inclusive than the cumulative policy moves that the previous Government had made over a period of some 20 years. On my part, I have consistently argued that the reform process led by the President needs to be supported by the international community, including Member States from the region, and by all key stakeholders. I have also encouraged the Government of Myanmar to proceed with its reform in an inclusive manner, taking into confidence the broad range of stakeholders within the country, both inside and outside the Parliament. Though much still remains to be done, there has been clear progress on many fronts related to the democratization of the functioning of political institutions, the gradual enlargement of the ambit of human rights and the establishment of the rule of law in the country. Although that agenda remains active and will need to evolve even further in the direction of reflecting the popular will, the measures that have been taken so far by the Government of Myanmar need to be acknowledged by the wider international community.

46. The steps and initiatives taken by President Thein Sein and his Government indicate a strong desire and commitment to lay the foundations of democracy within Myanmar. For the present, it would seem that the direction and content of such reforms are not facing any overt challenge or interference from the Tatmadaw. In my meetings with various stakeholders, I have continuously emphasized the need to cultivate a political culture based on mutual confidence and accommodation between and among the domestic stakeholders in Myanmar, and have advocated the need for leaders to rely on popular feedback in the determination of policy and when taking decisions that affect the masses. In that context, I should particularly point out the significance of the dialogue between President Thein Sein and Daw Aung San Suu Kyi. It is my hope that the spirit of trust and mutual confidence that their relationship has generated will be consolidated and enlarged in the coming months when important political, constitutional and reconciliation issues are addressed inside Parliament and elsewhere within the country.

47. The participation by NLD, in particular by Daw Aung San Suu Kyi, in the 1 April by-elections, and the decision by the Government to invite international monitors to observe the by-elections, marked important milestones not only in ensuring broader participation and transparency for the political process but also in adding to the credibility of the elections despite some shortcomings. The United Nations looks forward to building on that process and to sharing with the authorities and other interested parties the lessons learned in terms of electoral practices that could help Myanmar in its preparations for the general elections in 2015.

48. The Government has demonstrated considerable forward vision in its efforts on legislative reforms, and Parliament has demonstrated its central role in that process under the able leadership of Speakers Shwe Mann and Aung Khin Maung Aye. All political parties now have a responsibility to embrace the parliamentary

process as a key engine of democratic practice. That requires moving beyond zero-sum competition and engaging in a process of debate, dialogue, give-and-take and compromise. As the Speaker of the Pyithu Hluttaw, Shwe Mann, told lawmakers in February, reform had to be brought about by listening to the people's voices at all levels. Ultimately, all parties, including the opposition, will be judged by their capacity to contribute policy solutions across the range of challenges shaping the national agenda and by delivering results to the people. I encourage the Government of Myanmar to fully leverage the expertise of the United Nations and other international bodies to bring the country's laws in conformity with international norms.

49. In my various meetings with the Government of Myanmar, including with the President, I have repeatedly stressed that, if Myanmar is to gain the full confidence of the international community, it is important that all of its remaining political prisoners be released. I acknowledge the important steps taken in that regard. Removing the conditions that continue to be imposed on some released political prisoners would also be consistent with the strong affirmation of the President to engage in durable national reconciliation efforts and to enforce the rule of law. The release of all remaining political prisoners will be a significant step in that regard.

50. Meanwhile, I welcomed the decision by the President to establish a National Human Rights Commission in 2011 to institutionalize the respect for human rights in the country. The establishment of the Commission represents a potentially significant new instrument for human rights protection, but its enabling legislation needs to be finalized soon and its actual independence and effectiveness remains to be tested. In that regard, I hope that Parliament will pass the enabling law soon, so that the Commission can have guaranteed funding. The continuing cooperation of the Government of Myanmar with OHCHR and other relevant bodies will help to provide it with greater efficacy, technical soundness and institutional autonomy. I welcome the ratification by Myanmar of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and encourage Myanmar to take steps towards the ratification of the other core international human rights treaties.

51. I note with appreciation the progress made by the Government during the past months with regard to the peace process and national reconciliation. Taken in the context of Myanmar's broader transition, a constellation of factors are now at work that give a majority of the country's many stakeholders the renewed opportunity to shift from the logic of armed confrontation to one of building mutual stakes in peace and development. Fundamentally, that requires building greater trust between the Government and the various groups, and among and within constituencies, to sustain the ceasefire agreements and help to achieve success in the negotiations for a lasting peace.

52. The participation of the United Nations in the Peace Donor Support Group, through its pledge of $5 million and willingness to provide resources for the proposed Government-led peace centre, are some of the means by which it can contribute to the process of securing peace and national reconciliation. In that regard, the invitation by the President and members of his Government to the United Nations to be more active and to attend peace negotiation meetings can be seen as a shift in the perception of the role of the United Nations by Naypyidaw, and one that

must give more weight to the current context of transitional support rather than the obligations prioritized during the former political dispensation.

53. The recent communal violence in Rakhine State has renewed the attention of the international community to the hardships being faced by the Rohingya population. I noted with appreciation the public statement made by President Thein Sein on 10 June 2012 as the disturbances arose, in which he called for magnanimity and promised equal justice and the application of the rule of law. The very fact that my Special Adviser was allowed to visit Rakhine State at the height of tensions in June can be seen as a mark of openness and transparency in the Government's response. As President Thein Sein acknowledged in his discussion with my Special Adviser, the inter-communal problems are not new, but are rooted in the reality of Myanmar's complex ethnic and religious fabric. Overcoming decades of inter- and intra-ethnic mistrust and discrimination remains one of the most pressing challenges to Myanmar's nation-building today.

54. Building on the President's statement, it is clear that the Rakhine State crisis also presents an opportunity for the central and local authorities to step up initiatives for confidence-building and dialogue. In particular, the Government should address the issue as concerning not only human rights but also political aspirations within the democratic transition. The situation should continue to be handled transparently and with full respect for the human rights of all sections of the population and the rule of law, consistent with President Thein Sein's 10 June statement. I welcome the establishment of a 27-member commission comprising a representative cross section of national figures in the country, that could make an important contribution to restoring peace and harmony in the State and in creating a conducive environment for more inclusive and forward-looking steps to tackle the underlying causes of the violence, including the condition of the Muslim communities in Rakhine State. The commission will be integral to any reconciliation process.

55. At the same time, it is particularly important to ensure that the cycle of violence is broken and that Myanmar's broader reform process and economic prospects are not adversely affected. The condition of the Rohingya population within Myanmar and the fact that they are spread across neighbouring ASEAN and other countries also call for the region as a whole to step up cooperation in addressing the plight of this community in its cross-border dimensions. Full respect for the rights and needs of the Rohingya population will be important given the potential reverberations globally.

56. Regarding the larger issue of Myanmar's developmental challenges, there are reasonable grounds to hope that growing international engagement will lead to more investment in the country, which will help create greater job opportunities for its vast unemployed population. During my visit from 29 April to 1 May 2012, I attended the launch of the Global Compact in Yangon. With the development of a national and regional network of responsible business groups and entrepreneurs, Myanmar can expect to engage and forge mutually beneficial and socially responsible economic relationships with the outside world. Although that is an area of needed legislative reform, the delays announced by the Government to the implementation of separate laws on foreign investment and on creating a special economic zone, both of which are expected to encourage new waves of foreign direct investment, have been ascribed to concerns regarding the establishment of a more level playing field for all. While the President has announced such measures,

there are also concerns on ensuring adequate protection to vulnerable populations, especially on the issues of natural resources, land allotment, land use and the protection of farmers and agro-industry. At the same time, the new investments should prioritize the improvement of the quality of human resources in the country by providing the workforce with the necessary technical and managerial skills to participate effectively in a modernized global economy.

57. The Government of Myanmar has assumed the immense responsibilities of trying to transform an essentially centralized economy into a decentralized, market-oriented one and to making efforts to ensure that the fruits of economic growth are widely dispersed and equally shared across the country. The United Nations country team, in consultation with donors and development partners, will do its utmost and reach out to the Government and to other stakeholders in the country. The UNDP Executive Board, at its annual session in June 2012, adopted a decision by which it requested the submission of a draft country programme for consideration in September 2012. While the Organization will strive to provide its advice and technical expertise as needed to ensure a coordinated forward movement in support of the reforms, it will be fully respectful of the principle of national ownership in addressing the goal of improving the livelihood and socioeconomic levels of the people of the country.

58. The period from now until Myanmar's assumption of the chairmanship of ASEAN in 2014 and the next general election in 2015 are likely to test the Government's capacity on various fronts. While the leadership and Government must be held responsible for meeting expectations, they will also need to be encouraged and supported by the international community. Early in 2012, I set out an action agenda for my second term, wherein I identified five generational imperatives and opportunities. I see the continuing engagement of the United Nations with Myanmar in that perspective. In the light of the country's evolution towards a democratic transition and of its efforts to achieve broad-based national reconciliation and to strengthen the framework of human rights, the General Assembly will have an opportunity to assess recent developments and decide how best it can encourage the progress. While expressing my appreciation to my Special Adviser, Vijay Nambiar, I would like to underline my own strong personal conviction that direct and constructive engagement is the best way to strengthen mutual trust and understanding among all the concerned parties in Myanmar and with the international community. As in the past, so too in the future, the United Nations will continue to work in that direction.